

Application No. 09/926,254
Response dated February 6, 2004
Reply to Office Action of October 17, 2003

REMARKS

Claims 1-5, 8-10, 12-2 and 23 are pending in this application, of which claims 1, 8, 10, 15, and 19 have been amended. Claims 7 and 22 have been cancelled.

(1) Claims 8-10, 13-15 and 19 were rejected under 35USC§ 112, second paragraph, as being indefinite. Office Action, paragraphs 5-12.

Claims 8, 10, 14 and 15 have been amended, which overcome the rejection under 35USC§ 112, second paragraph.

Regarding claims 8 and 9, potassium acetate includes a bivalent group, “-C(=O)CH₂-,” as R¹, falling within the structure of formula (I) of claim 8, and includes a bivalent group “-CH₂-” as R², falling within the structure of formula (2) of claim 9. In this case, the group connected to other than “M⁺O⁻” or “-(C=O)-” is hydrogen, but it is not recited in claims 8 and 9. Thus, claims 8 and 9, as amended, are not indefinite.

(2) Claims 1-4, 8-10, 12-14, 16-17, 19-20, 22-23 were rejected under 35USC 102(e) as anticipated by Nakagawa et al. Office Action, paragraph 16.

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Claim 1 has been amended to incorporate the limitation of original claim 7. Thus, claim 1, as amended, is not anticipated by Nakagawa et al.

(3) Claims 5 and 18 were rejected under 35 USC 103(a) as being unpatentable over Nakagawa et al. Office Action, paragraph 18.

Claim 1 has been amended to incorporate the limitation of original claim 7. Claim 1, as amended, is non-obvious over Nakagawa et al.

(4) Claims 1-4, 7-10, 12-15, 17, 19-20, 22-23 were rejected under 35 USC 103(a) as being unpatentable by Devonport '519 or Devonport '380. Office Action, paragraph 21.

Claim 1 has amended also to incorporate the limitation of claim 22, reciting an Mw/Mn value of less than 1.8.

Devonport does not teach nor suggest the Mw/Mn value of less than 1.8. Devonport discloses a polymerization method using carbon black, which is insoluble in solvents, and thus, the polymerization is a heterogeneous reaction. Thus, the disclosed polymerization is different from atom transfer radical polymerization. It is impossible to prepare a vinyl polymer having a Mw/Mn value of less than 1.8 according to the teaching of Devonport. So, claim 1, as amended, is

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non-obvious over Devonport.

(5) Claims 1-2, 7-10, 12-13, 17, and 23 were rejected under 35USC 102(b) as anticipated by Kennedy. Office Action, paragraph 23.

Claim 1 has been amended to incorporate the limitation of original claim 22. Thus, claim 1, as amended, is not anticipated by Kennedy.

(6) Claims 1-4, 8-10, 12-14, 16-17, 19-20 and 22-23 were rejected under 35USC 102(e) as anticipated by Kitano. Office Action, paragraph 25.

Claim 1 has been amended to incorporate the limitation of original claim 7. Thus, claim 1, as amended, is not anticipated by Kitano.

(7) Claims 1-4, 7-10, 12-14, 16-20, and 22-23 were rejected under the judiciary created doctrine of obviousness-type double patenting as being unpatentable over claims 1-8 of US Patent 6,274,688 (Nakagawa et al.) or claim 1-12 of US Patent 6,423,787 (Kitano). Office Action, paragraph 30.

The claims, as amended, recite “an oxy anion compound having no functional group other

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than an oxy anion group.” On the other hand, Nakagawa and Kitano disclose alkenyl-containing oxy anion compounds, but there is no teaching of an oxy anion compound having no functional group other than an oxy anion group. Therefore, amended claim 1 is non-obvious over Nakagawa or Kitano. Reconsideration of the rejection is respectfully requested.

(8) Evidence of Common Ownership. Office Action, paragraph 31.

The present invention of US Patent Application Serial No.09/926,254, and US Patents Nos. 6,274,688 (Nakagawa) and 6,423,787 (Kitano) were, at the time the present invention was made, owned by Kaneka Corporation.

If any evidence other than the above statement is required, please let us know.

(9) PTO-1449 listing the references cited in the International Search Report has been filed. Please list the references the patent resulting from this application. Office Action, paragraph 34.

In view of the aforementioned amendments and accompanying remarks, claims 1-5, 8-10, 12-2 and 23, as herein amended, are in condition for allowance. Applicants request such action at an early date.

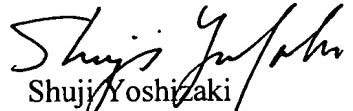
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If the Examiner believes that this application is not now in condition for allowance, the Examiner is requested to contact Applicants' undersigned agent at the telephone number indicated below to arrange for an interview to expedite the disposition of this case. The limited recognition of the agent is attached.

In the event that this paper is not timely filed, Applicants respectfully petition for an appropriate extension of time. The fees for such an extension or any other fees that may be due with respect to this paper may be charged to Deposit Account No. 50-2866.

Respectfully submitted,

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Limited Recognition

Attachment: Limited Recognition

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Expires: July 8, 2004



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